IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 12764 of 2004

Between:

1 Chilukuri Mohan, S/o C.Pandu,
R/o H.No.1-4-938/5, Bakaram, Hyderabad rep.by their GPA Holder N.Surender Rao,
S/o N.Pitamber Rao, aged 44 years, Occ: Business R/o Flat No.201, Lumbini Enclave, Panjagutta, Hyderabad
2 Chilukuri Ghyeshwar, S/o C.Pandu,
R/o H.No.1-4-938/5, Bakaram, Hyderabad rep.by their GPA Holder N.Surender Rao,
S/o N.Pitamber Rao, aged 44 years, Occ: Business R/o Flat No.201, Lumbini Enclave, Panjagutta, Hyderabad
3 Chilukuri Suresh, S/o C.Pandu,
R/o H.No.1-4-938/5, Bakaram, Hyderabad rep.by their GPA Holder N.Surender Rao, S/o N.Pitamber Rao, aged 44 years, Occ: Business R/o Flat No.201, Lumbini Enclave, Panjagutta, Hyderabad
4 Chilukuri Ashok, S/o C.Pandu,
R/o H.No.1-4-938/5, Bakaram, Hyderabad rep.by their GPA Holder N.Surender Rao, S/o N.Pitamber Rao, aged 44 years, Occ: Business R/o Flat No.201, Lumbini Enclave, Panjagutta, Hyderabad

..... PETITIONER(S)

AND

1 The Municipal Corporation of Hyderabad Tank Bund Road, Hyderabad rep.by its Commissioner
2 The Chief City Planner, Town Planning Section,
Tank Bund Road, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or any appropriate Writ or writs or direction/s more particularly in the

nature of Writ of Mandamus declaring the objection No.2 vide Letter No.00678/CSC/TP3/2004-2481 dated 12-7-2004 issued by the respondents as illegal, arbitrary and without jurisdiction.

Counsel for the Petitioners: MR.B.VIJAYSEN REDDY

Counsel for the Respondents: MR.RAMA RAO GANTA, Standing Counsel.

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioners and also learned Standing Counsel for the respondents.

Petitioners made an application for building permission before the respondent. The said application was returned as “unapproved” by the impugned proceedings through letter No.00678/CSC/TP3/2004-2481, dated 12-07-2004 pointing out that the petitioners have not complied the required formalities as mentioned in the impugned proceedings. The petitioners without complying and resubmitting the plan on such return, moved this Court by way of present writ petition stating that as per Ground No.2 of the impugned proceedings, the petitioners have to submit

No Objection Certificate (NOC) from the Collector, Hyderabad Division and Urban Land Ceiling Clearance in respect of the site property, which cannot be insisted.

In a catena of decisions, this Court held that while granting building permission, the Municipality cannot insist for obtaining NOC from the Collector and the applications, if otherwise, in order has to be processed for consideration of standing permission.

In view of the same, on petitioners complying objections other than objection No.2 resubmitting the application for building permission, the respondents have to pass the same without insisting for NOC from the Collector as mentioned in Ground No.2 of the impugned proceedings.

The writ petition is accordingly disposed of. No costs.

22nd JULY, 2004.

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To

1 The Commissioner, Municipal Corporation of Hyderabad,

Tank Bund Road, Hyderabad.
2 The Chief City Planner, Town Planning Section,
Tank Bund Road, Hyderabad.

3 Two CD copies.